

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL MITCHELL,

Petitioner,

v.

ANTHONY HEDGEPEETH, Warden,

Respondent.

No. C 11-02705 SBA (PR)

**ORDER GRANTING PETITIONER'S
THIRD REQUEST FOR EXTENSION OF
TIME TO FILE HIS OPPOSITION TO
MOTION TO DISMISS; AND
DIRECTING RESPONDENT TO FILE A
FURTHER RESPONSE TO
PETITIONER'S OTHER PENDING
MOTION**

Petitioner has filed a third request for an extension of time in which to file his opposition to Respondent's Motion to Dismiss. Petitioner also alleges that he has not yet been granted access to the prison law library.

On November 18, 2011, the Court granted Petitioner's first request for an extension of time to file his opposition. The Court directed Petitioner to file his opposition no later than January 12, 2012.

On January 23, 2012, the Court granted Petitioner a second extension of time because he claimed that lockdowns at the prison prevented his access to the law library. The Court directed Petitioner to file his opposition no later than February 23, 2012.

Petitioner had also filed a document entitled, "Order to Show Cause for an [sic] Preliminary Injunction," in which he requested sufficient access to the prison law library and complained of "limitations that are too restrictive and constitute a denial of [his] rights to access [to] the courts." (Pl.'s Dec. 27, 2011 Mot. at 1.) In its January 23, 2012 Order, the Court construed this document as

1 a motion for an order directing the California Department of Corrections and Rehabilitation to allow
2 him physical access to the Salinas Valley State Prison (SVSP) law library. The Court directed
3 Respondent to respond to Petitioner's motion for an order allowing him access to the SVSP law
4 library.

5 On February 6, 2012, Respondent filed his response. However, in that response, Respondent
6 was not able to present confirmation that Petitioner had been granted law library access. No later
7 than **ten (10) days** from the date of this Order, Respondent is directed to file a further response to
8 Petitioner's motion for an order allowing him access to the SVSP law library -- specifically,
9 informing the Court whether Petitioner has since been granted law library access.

10 Before the Court is Petitioner's third request for an extension of time to file his opposition.
11 He again complains that lockdowns at the prison have prevented his access to the law library.

12 Having read and considered Petitioner's request, and good cause appearing, IT IS HEREBY
13 ORDERED that Petitioner's third request for an extension of time is GRANTED. The time in which
14 Petitioner may file his opposition to Respondent's Motion to Dismiss will be extended up to and
15 including **thirty (30) days** from the date of this Order.

16 Respondent shall file a reply brief no later than **fifteen (15) days** after the date Petitioner's
17 opposition is filed.

18 IT IS SO ORDERED.

19 DATED: 2/15/12

20 
21 SAUNDRA BROWN ARMSTRONG
22 UNITED STATES DISTRICT JUDGE
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 PAUL MITCHELL,

5 Plaintiff,

6 v.

7 ANTHONY HEDGEPEETH et al,

8 Defendant.
9 _____/

Case Number: CV11-02705 SBA

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on February 16, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
15 in the Clerk's office.

16 Paul Mitchell G-21965
17 Salinas Valley State Prison
18 31625 Highway 101
19 P.O. Box 1050
20 Soledad, CA 93960-1050

21 Dated: February 16, 2012

22 Richard W. Wieking, Clerk
23 By: Lorene DeBose, Deputy Clerk
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